

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 680

Introduced by Appropriations Committee: Heidemann, 1, Chairperson;
Fulton, 29; Hansen, 42; Harms, 48; Mello, 5; Nantkes,
46; Nelson, 6; Nordquist, 7; Wightman, 36.

Read first time February 26, 2009

Committee: Appropriations

A BILL

1 FOR AN ACT relating to appropriations; to appropriate funds to
2 carry out the federal American Recovery and Reinvestment
3 Act of 2009; to provide an operative date; and to declare
4 an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. DEFINITION OF APPROPRIATION PERIOD.

2 For purposes of this act and any other legislative bill
3 passed by the One Hundred First Legislature, First or Second
4 Session, which appropriates funds, FY2008-09 means the period July
5 1, 2008, through July 1, 2009; FY2009-10 means the period July 1,
6 2009, through June 30, 2010; FY2010-11 means the period July 1,
7 2010, through June 30, 2011; FY2011-12 means the period July 1,
8 2011, through June 30, 2012; and FY2012-13 means the period July 1,
9 2012, through June 30, 2013.

10 Sec. 2. APPROPRIATION LANGUAGE.

11 There are hereby appropriated, for FY2009-10 and
12 FY2010-11, the sums and funds set forth in this act to each agency
13 for each program for expenditure as authorized by the federal
14 American Recovery and Reinvestment Act of 2009.

15 Sec. 3. REAPPROPRIATION OF BALANCE, FY2008-09 to
16 FY2009-10.

17 In addition to the appropriations set forth in this
18 act, there are hereby reappropriated all unexpended appropriation
19 balances existing on June 30, 2009, for FY2009-10 to the respective
20 agencies, programs, and funds listed in this act, unless otherwise
21 expressly provided.

22 Sec. 4. REAPPROPRIATION OF BALANCE, FY2009-10 to
23 FY2010-11.

24 In addition to the appropriations set forth in this
25 act, there are hereby reappropriated all unexpended appropriation

1 balances existing on June 30, 2010, for FY2010-11 to the respective
2 agencies, programs, and funds listed in this act, except as
3 otherwise provided in this act.

4 Sec. 5. CERTIFIED ENCUMBRANCES.

5 All certified encumbrance amounts on June 30, 2009, and
6 June 30, 2010, not otherwise reappropriated pursuant to sections
7 3 and 4 of this act, are hereby reappropriated for FY2009-10 and
8 FY2010-11, respectively, which amounts shall be in addition to the
9 amounts shown in this act.

10 Sec. 6. NEBRASKA ACCOUNTING SYSTEM MANUAL DEFINITIONS.

11 The definitions contained in the Nebraska Accounting
12 System Manual, and any amendments thereto, on file with the Clerk
13 of the Legislature are hereby adopted by the Legislature as the
14 definitions for this act, except as provided in section 10 of this
15 act.

16 Sec. 7. DRAWING AND PAYING WARRANTS.

17 The Director of Administrative Services shall draw
18 warrants upon the proper fund in the state treasury for an amount
19 not to exceed the appropriations set forth in this act upon
20 presentation of proper documentation. The State Treasurer shall pay
21 the warrants out of the appropriate funds.

22 Sec. 8. BUDGET STATUS REPORTS.

23 All state agencies, boards, and commissions shall
24 promptly establish their detailed Budget Status Reports at the
25 budget subprogram level in the Nebraska Accounting System and

1 adjust them as necessary during each fiscal year to reflect the
2 most current appropriations shown on the Allotment Status Report.

3 Sec. 9. FEDERAL FUNDS.

4 The receipts for FY2009-10 and FY2010-11 inuring to the
5 several Federal Funds authorized by the American Recovery and
6 Reinvestment Act of 2009, together with any amounts held in account
7 by the State Treasurer on June 30, 2009, are hereby credited
8 to each of the funds respectively. Expenditure of Federal Funds
9 appropriated in this act shall not be limited to the amount shown.

10 Any Federal Funds received from the federal American
11 Recovery and Reinvestment Act of 2009 not otherwise appropriated,
12 or made available to the credit of the State Treasurer and
13 any amounts on hand in any such Federal Funds on June 30,
14 2009, are hereby appropriated to the expending agency designated
15 by the federal government or, if none is designated, to such
16 expending agency as may be designated by the Governor. The
17 budget administrator of the budget division of the Department
18 of Administrative Services shall report to the Legislative Fiscal
19 Analyst within ten days of the federal government designation or
20 the Governor's designation of the expending agency.

21 Sec. 10. LIMITATION ON SALARIES, WAGES, AND PER DIEMS.

22 (1) For purposes of this act, (a) SALARY LIMIT shall mean
23 total expenditures for permanent and temporary salaries and per
24 diems and (b) total expenditures for permanent and temporary
25 salaries and per diems shall mean all remuneration paid to

1 employees treated as taxable compensation by the Internal Revenue
2 Service or subject to social security coverage, specifically
3 including payments accounted for as vacation, holidays, sick leave,
4 military leave, funeral leave, maternity leave, administrative
5 leave, compensatory time, deferred compensation, or any other
6 similar form, and amounts withheld pursuant to law, but excluding
7 state contributions for social security, retirement, and employee
8 insurance plans.

9 (2) Total expenditures for permanent and temporary
10 salaries and per diems shall be limited to the amount shown except
11 when federal funds in excess of the amount shown are available and
12 approved by the Governor. Expenditures for permanent and temporary
13 salaries and per diems from such grants shall be in addition to
14 the limitation on permanent and temporary salaries and per diems
15 otherwise shown in this act. No agency shall request any state
16 funds for continuation or replacement of any such personnel or
17 activities in future budget requests. To the extent feasible,
18 requests for increases in the limitation on permanent and temporary
19 salaries and per diems shall be addressed to the Appropriations
20 Committee when the Legislature is in session.

21 (3) Expenditures for permanent and temporary salaries
22 resulting from awards made to employees under sections 81-1346 to
23 81-1354 shall be in addition to the limitations on permanent and
24 temporary salaries and per diems otherwise shown in this act.

25 (4) The limitation on expenditures for permanent and

1 temporary salaries and per diems for FY2010-11 as enumerated in
2 this act shall be the basis for continuation funding for each
3 fiscal year of the succeeding biennium.

4 (5) The limitation on expenditures for permanent and
5 temporary salaries and per diems for FY2009-10 shall be increased
6 by certified encumbrance amounts from FY2008-09 for permanent and
7 temporary salaries and per diems. The limitation on expenditures
8 for permanent and temporary salaries and per diems for FY2010-11
9 shall be increased by certified encumbrance amounts from FY2009-10
10 for permanent and temporary salaries and per diems. Encumbered
11 amounts shall be calculated in accordance with section 81-138.01.

12 (6) The limitation on expenditures for permanent and
13 temporary salaries and per diems shall only apply to remuneration
14 paid to state employees or per diem payments made to members of
15 state boards or commissions.

16 Sec. 11. The One Hundred First Legislature acknowledges
17 that Article III, section 22, of the Constitution of Nebraska
18 provides that each Legislature shall make appropriations for
19 the expenses of the government. Consistent with this provision,
20 any appropriations enacted by prior Legislatures for fiscal
21 years beginning after June 30, 2009, are null and void unless
22 specifically reaffirmed by this Legislature.

23 Sec. 12. This act becomes operative on July 1, 2009.

24 Sec. 13. Since an emergency exists, this act takes effect
25 when passed and approved according to law.